IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 601 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HEIRS OF DECD. BHAVESH RATILALSHAH

Versus

DRIVER OF TRUCK NO. GTW 8969

Appearance:

MR SATYEN B RAWAL for Petitioners

RULE SERVED for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 26/09/2000

ORAL JUDGEMENT

This is an application for transferring Motor Accident Claims Petition No. 681 of 1994 pending before Motor Accident Claims Tribunal, Mahesana to the Motor Accident Claims Tribunal, Dhrangadhra on the ground of convenience of the parties.

The notice of Rule has been issued to the respondents but they have not filed any reply to rubut the assertions made in this application.

The provisions of Section 166(2) of the Motor Vehicles Act give liberty to the claimant to get his claim decided by Motor Accident Claims Tribunal in which jurisdiction he is residing or carrying on business. Therefore, it would be just and proper in the facts and circumstances of the case and for the convenience of the parties to transfer Motor Accident Claims Tribunal, Mahesana to the Motor Accident Claims Tribunal, Dhrangadhra.

Accordingly, this application is allowed and Motor Accident Claims Petition No. 681 of 1994 pending before Motor Accident Claims Tribunal, Mahesana is ordered to be transferred to the Motor Accident Claims Tribunal, Dhrangadhra for disposal in accordance with law. Rule is made absolute. This Misc. Civil Application stands disposed of with no order as to costs.

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